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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,359

05/17/2007

Masafumi Sadahira

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03/25/2009

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EXAMINER

GARLAND, STEVEN R

ART UNIT

PAPER NUMBER

2121

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,359	<b>Applicant(s)</b> SADAHIRA ET AL.	
	<b>Examiner</b> STEVEN R. GARLAND	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/17/07, 8/23/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/23/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 14-26 are pending. Claims 1-13 are pending.
2. The abstract of the disclosure is objected to because the abstract should not exceed 150 words. Correction is required. See MPEP § 608.01(b).
3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. Remarks: regarding the claim language, a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Further functional and an intended use, such as the use by different users, of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.
5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 20-24, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20, lines 4-5, it is unclear what is being set i.e. "setting on an operation of apparatus". It appears that part of the text is missing. Claim 26 has a similar problem.

The remaining claims 21-24 fall with parent claim 20.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okude et al. 7,464,157 in view of Chu et al. 2005/0015644.

Okude et al. 7,464,157 teaches an apparatus control system by connecting a server 2; information panel 1 with a control section 15, display section 13, communications sections 11 and 12; and electrical equipment 3 such as a water heater (col. 5, lines 60-67) together. Okude also teaches implementation on computer medium (col. 1, lines 11-22); exchange of information between the server, panel and equipment (fig. 2); confirming the state of the equipment and the communication state (col. 9, lines 17-23; col. 27, lines 18-30). Okude also teaches transmitting status information to the server (col. 10, lines 38-49). See the abstract; figures; col. 1, lines 11-22; col. 3, lines 11-22; col. 4, lines 19-51; col. 5, lines 60-67; col. 8, lines 25-67; col. 9, lines 17-23; col. 10, lines 9-49; col. 10, line 64 to col. 11, line 21; col. 12, lines 4-67; col. 17, lines 50-59; col. 18, line 67 to col. 19, line 5; col. 28, lines 18-27; col. 37, line 59 to col. 39, line 8; col. 49, line 50 to col. 50, line 5; and the claims.

Okude however does not state that settings are input by operators or state that the settings are displayed or specifically when a display occurs..

Chu et al. 2005/0015644 teaches a system which allows settings by a user (0006,0025, 0034, 0067), establishing communication between the device (0022) and a network, and allowing troubleshooting (0017, 0035). Chu also teaches status display (abstract, 0025) and use of a server 880.. See the abstract, numbered paragraphs 0002, 0005, 0006, 0017, 0022, 0024-0025; 0031,0032,0034-0037, 0054, 0067-0074, and the claims.

It would have been obvious to one of ordinary skill in the art to modify Okude in view of Chu and allow manual settings of device settings and network settings and to

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display the settings for troubleshooting as suggested by Chu et al. Further it would have been obvious to one of ordinary skill in the art to modify Okude in view of Chu to determine if the settings are incomplete and if not then troubleshooting occurs and the user is informed (0022) so that the problem can be corrected.

Further it would have been obvious to one of ordinary skill in the art to modify Okude in view of Chu and not perform a display until power is supplied and a setting operation is performed so that power is not wasted.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagaoka et al. 2002/0180579 is of interest in the use of server and water heater system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN R. GARLAND whose telephone number is (571)272-3741. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/  
Supervisory Patent Examiner, Art Unit 2121

Steven R Garland  
Examiner  
Art Unit 2121

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